

Options for applicant when Paint Permit is Denied:

Land Development Regulations Article III, Section 6.11.3.D

D. *Relief.* If the Zoning Inspector denies a paint permit, the permittee may seek relief by filing, with and on forms provided by the Planning and Zoning Department, either for discretionary relief or for an appeal.

1. *Discretionary relief.* If a person desires to paint their residential building, structure, wall or fence a color other than that authorized in paragraph 6.11.3.B. above, a person may file for discretionary relief. Discretionary relief requires the permittee obtain from all property owners abutting the subject property or within a three hundred (300) feet radius of the subject property, whichever is greater, a signed, written statement expressing their approval or consent for the paint colors filed with the paint permit. An abutting property includes the property on either side of the subject property, the properties directly across any dedicated right-of-way from the subject property, and the properties on either side of the properties directly across any dedicated right-of-way. The Zoning Inspector shall deny the discretionary relief if the permittee fails to obtain all the required signatures of all such property owners. If all such signatures are obtained and verified, the Zoning Inspector may reconsider the previous denial and grant the permit, provided the Zoning Inspector concludes the colors are compatible with other colors in the neighborhood.

2. *Appeal.* If a person believes the Zoning Inspector has erroneously denied a paint permit, the homeowner or lessee may appeal such decision to a panel comprised of the Planning and Zoning Director, the City Manager and the Chief Building Official, or their designated staff representative. The panel may confirm or overrule the decision of the Zoning Inspector. [Designated staff representatives shall be the Development Review Committee]